



# Journal of the Senate

Number 14

Friday, April 22, 1977

The Senate was called to order by Senator Henderson at 8:30 a.m. for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3.

## INTRODUCTION

By Senator Graham—

SB 913—A bill to be entitled An act relating to public employees; creating s. 110.012, Florida Statutes; establishing state policy on recruitment, compensation, selection, advancement, separation, and training of public employees and on responsiveness of department heads, heads of other offices or organizational units appointed by elected officials, and those serving in confidential capacities to elected officials to the policies of elected officials; amending s. 110.022, Florida Statutes, 1976 Supplement; providing additional powers and duties of the Department of Administration, relating to technical assistance to local governments, equal employment opportunity programs, collection and dissemination of public employee data, periodic personnel reports, employee training programs and courses, intergovernmental transfer of public employees, employee recruitment, adoption of classification and compensation plans, and development of procedures for postaudit of state agency personnel transactions; creating s. 110.032, Florida Statutes; decentralizing certain functions of personnel administration and providing for inspections and audits; providing for notice of violation and request for remedial action; providing for corrective action by the department, subject to review; amending s. 110.041(2), Florida Statutes; removing all functions of the Career Service Commission, except the hearing of appeals; adding s. 110.042(26), (27), Florida Statutes; adding definitions relating to intergovernmental transfers; amending s. 110.071, Florida Statutes; directing the Department of Administration to provide certain types of technical assistance to municipalities and political subdivisions; creating ss. 110.072-110.074, Florida Statutes; providing for studies and collection and dissemination related to productivity measurement and improvement; providing for intergovernmental transfer and interchange of public employees among state agencies, local agencies, federal agencies, and agencies of other states, between state agencies and private institutions of higher education or other nonprofit organizations, and, under certain conditions, between state agencies and private businesses; providing for salary, leave, travel and transportation and reimbursements for such employees; providing for encouragement of opportunities for public employee training; establishing the Personnel Advisory Council to assist with the transition to a decentralized personnel program; providing for a report to the Legislature on provisions of state and federal law which conflict with chapter 447, Florida Statutes, and this act; providing an effective date.

—was read the first time by title and referred to the Committees on Personnel, Retirement and Collective Bargaining; Executive Business; and Appropriations.

By Senator Plante—

SB 914—A bill to be entitled An act relating to state-owned lands; providing that the Board of Trustees of the Internal Improvement Trust Fund shall hold title to state-owned lands held by the board of trustees prior to the effective date of chapter 75-22, Laws of Florida, or acquired after that act; provides that the board of trustees shall exercise all statutory rights, duties, and responsibilities delegated to it under chapter 75-22, Laws of Florida, and any law enacted subsequent to that act; validating all acts taken by the board of trustees

since chapter 75-22, Laws of Florida, the Florida Environmental Reorganization Act of 1975, took effect; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation, and Governmental Operations.

By Senator Plante—

SB 915—A bill to be entitled An act relating to state-owned lands; abolishing the Board of Trustees of the Internal Improvement Trust Fund and vesting title to lands held by the board of trustees in the Governor and Cabinet, as head of the Department of Natural Resources; providing that the Governor and Cabinet, as head of the Department of Natural Resources, shall succeed to all statutory rights, duties, and responsibilities of the board of trustees; providing an exception; validating all actions taken by the board of trustees since chapter 75-22, Laws of Florida, the Florida Environmental Reorganization Act of 1975, took effect and prior to the effective date of this act; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation, and Governmental Operations.

By Senators Scott, Johnston and Myers—

SB 916—A bill to be entitled An act relating to medical malpractice; adding s. 768.44(2)(h), Florida Statutes, 1976 Supplement; providing for a determination of whether the physician and attorney panelists on a medical liability mediation panel can act with impartiality; requiring the judicial referee to remove a panelist upon a finding that the panelist cannot act with impartiality; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Jon Thomas—

SB 917—A bill to be entitled An act relating to annual reports of domestic and foreign corporations; amending s. 607.361(2), Florida Statutes, 1976 Supplement, to increase the fee for filing such reports; providing an effective date.

—was read the first time by title and referred to the Committee on Finance, Taxation and Claims.

By Senator Jon Thomas—

SB 918—A bill to be entitled An act relating to the state career service system; adding s. 110.051(2)(p), Florida Statutes, 1976 Supplement; exempting from the career service system any person employed as a physician or any person employed in a position which requires the employee to be a physician; providing an effective date.

—was read the first time by title and referred to the Committee on Personnel, Retirement and Collective Bargaining.

By Senator Hair—

SB 919—A bill to be entitled An act relating to the Constitution Revision Commission; authorizing the chairman of the commission to incur expenses and expend funds; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Poston—

SB 920—A bill to be entitled An act relating to actions to abate nuisances; adding s. 60.05(5), Florida Statutes; requiring the state to pay costs to a successful defendant in an action to abate a nuisance brought by certain state officers or agencies where the court finds that there was no reasonable ground for the action; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator Poston—

SB 921—A bill to be entitled An act relating to capital projects; prohibiting certain government entities from undertaking or approving the undertaking of any capital project unless certain articles or materials mined, produced, or manufactured in the United States are used in said project; providing for exceptions in certain cases; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Governmental Operations.

By Senator Ware—

SB 922—A bill to be entitled An act relating to education; amending s. 232.01(1)(d)-(h), (2), Florida Statutes; establishing conditions relating to the entry age for first grade; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By Senator McClain—

SB 923—A bill to be entitled An act relating to venue; creating s. 47.123, Florida Statutes; authorizing dismissal or stay of action in the interest of justice when court finds the action should be heard in a forum outside the state; providing that domicile or residence of any party shall not preclude such stay or dismissal; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator McClain—

SB 924—A bill to be entitled An act relating to judges; amending s. 216.262(3), Florida Statutes, 1976 Supplement, providing that upon approval of the Department of Administration, judges, state attorneys and public defenders may be compensated, above and beyond the salary provided by law, from an educational appropriation for teaching one course of instruction per academic term; providing an effective date.

—was read the first time by title and referred to the Committees on Personnel, Retirement and Collective Bargaining; and Education.

By Senator McClain—

SB 925—A bill to be entitled An act relating to automobile liability insurance; amending s. 627.727(2), Florida Statutes, 1976 Supplement; requiring an injured person or his personal representative to exhaust his remedies for personal injury or wrongful death against the liability insurer's insured prior to bringing an action against the uninsured motorist insurer; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Peterson—

SB 926—A bill to be entitled An act for the relief of Hal R. Davison; providing an appropriation to compensate him for damages inflicted upon his vineyard through the negligent spraying of an herbicide by the Game and Fresh Water Fish Commission; providing an effective date.

—was read the first time by title and referred to the Special Master and the Committee on Finance, Taxation and Claims.

By Senator Peterson—

SB 927—A bill to be entitled An act relating to the Florida Cosmetology Law; amending s. 477.20(1), (3), Florida Statutes; requiring the State Board of Cosmetology to establish and maintain a main office which is to be designated by resolution of the board and other offices, no more than one in a district, necessary for the board to perform its duties; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Governmental Operations.

By Senators Trask and Barron—

SB 928—A bill to be entitled An act relating to livestock sales; amending s. 534.49, Florida Statutes; requiring a draft given as payment for a livestock purchase to be deposited as a cash item; amending s. 534.50, Florida Statutes; making it the responsibility of the purchaser to authorize payment for transfer of funds to the seller and making it unlawful for the purchaser to delay payment of the draft upon presentation at the payor's bank; adding s. 534.52(3), Florida Statutes; providing a penalty for failure to comply with certain requirements; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Judiciary-Criminal.

By Senators Lewis and Peterson—

SB 929—A bill to be entitled An act relating to funding of community colleges; amending s. 230.767, Florida Statutes; establishing procedures for determining the legislative budget request for operating funds for community colleges; establishing procedures for allocating funds appropriated to the community colleges; providing authority for the Commissioner of Education to adjust funding factors and assigned enrollments; ensuring that each community college receives at least the same amount of state funds computed for the previous year's assigned full-time equivalent enrollment; establishing a procedure for the adjustment of allocations made to colleges having actual full-time equivalent enrollments below their assigned enrollment based on the previous year's allocation; establishing a procedure for the allocation of amounts of funds recovered to colleges with actual full-time equivalent enrollments above the number assigned in the previous year; providing for the Department of Education to use up to 0.5 percent of the amount appropriated for adjustments necessary to maintain the financial stability of the colleges; deleting the determination and apportionment of the amount for transportation; amending s. 230.754(2)(g), Florida Statutes, to conform a cross-reference to provisions of this act; repealing s. 230.7661, Florida Statutes, relating to the procedure for determining the transportation density index for community colleges; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Appropriations.

By Senator Plante—

SB 930—A bill to be entitled An act relating to consumer protection; repealing section 501.125, Florida Statutes, relating to private passenger automobile energy absorption systems; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation and Economic, Community and Consumer Affairs.

By Senator Scott—

SB 931—A bill to be entitled An act relating to education; creating s. 229.8085, Florida Statutes; requiring defunct non-public schools to transfer certain student records to the superintendent of schools; providing responsibilities of the Department of Education; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By the Committee on Executive Business and Senators Saylor, Wilson, Skinner and Don Childers—

SB 932—A bill to be entitled An act relating to statutory boards, committees, commissions, and councils adjunct to executive agencies; creating the Sundown Act; providing legislative intent; repealing provisions of law relating to boards, committees, commissions, and councils which have held no official meetings subsequent to January 1, 1975; repealing provisions of law relating to boards, committees, commissions, and councils which have held official meetings subsequent to January 1, 1975 and providing for the Legislature to review, 1 year prior to the date of repeal, such boards, committees, commissions, and councils; providing that subsequent reestablishment of such boards, committees, commissions, and councils be for a period not to exceed 6 years; providing that the procedural provisions of s. 11.61(3), (8), Florida Statutes, 1976 Supplement, apply to this act; providing for this act to be supplemental to s. 11.61, Florida Statutes; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Senator Henderson—

SB 933—A bill to be entitled An act relating to health studio contracts; creating ss. 501.138-501.142, Florida Statutes; providing definitions; providing for cancellation of health studio contracts; providing criteria for breach; providing for injunctive relief; providing for standing to sue as a class; providing for notice of such action; providing for the intervention of the Attorney General; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce; and Economic, Community and Consumer Affairs.

By Senator Scott—

SB 934—A bill to be entitled An act relating to patient records of hospitals and nursing homes; requiring hospitals and nursing homes to furnish patients copies of records upon payment of a reasonable charge therefor; providing for examination of original records; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senators Gorman and Plante—

SB 935—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.08(1), Florida Statutes; establishing a maximum tax on notes, written obligations to pay money, and assignments of wages; providing exemptions from the maximum tax limitation for certain of such documents; providing an effective date.

—was read the first time by title and referred to the Committee on Finance, Taxation and Claims.

By Senator Jon Thomas—

SB 936—A bill to be entitled An act relating to water resources; creating s. 373.197, Florida Statutes, relating to the Kissimmee River Valley and Taylor Creek-Nubbins Slough Basin restoration project; providing legislative intent; providing for adoption of certain plans; authorizing specified implementation measures; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation, and Appropriations.

By Senator Gallen—

SCR 937—A concurrent resolution commending Vick Blackstone.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Don Childers—

SB 938—A bill to be entitled An act relating to certification of millage; amending s. 200.011(6), Florida Statutes, 1976

Supplement; providing that governing boards of taxing districts within counties shall certify millage rates to the county property appraiser; providing an effective date.

—was read the first time by title and referred to the Committee on Finance, Taxation and Claims.

By Senator McClain—

SB 939—A bill to be entitled An act relating to insurance; amending s. 627.351(1), Florida Statutes, 1976 Supplement; requiring the Department of Insurance to provide the joint underwriting association an adequate rate on motor vehicle insurance written in this state under the risk apportionment plan; providing factors to be considered in determining adequate rates; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Scott—

SB 940—A bill to be entitled An act relating to motor vehicle liability insurance; creating s. 627.083, Florida Statutes; providing that, when insurers establish rate classifications based on weight, dimensions, and/or fuel economy ratings, motor vehicles shall not be transferred from one classification to another except under specified conditions; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Myers—

SB 941—A bill to be entitled An act relating to campaign financing; creating s. 106.30, Florida Statutes, authorizing organized local and county bar associations to establish judicial trust funds; limiting the use of contributions received by judicial trust funds; providing for distribution of funds to judicial candidates; providing for reports of contributions and expenditures; exempting contributions from judicial trust funds from statutory limitations on contributions; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

The Senate recessed at 8:45 a.m.

The Senate was called to order by the President at 9:00 a.m.  
A quorum present—39:

Mr. President	Gordon	Myers	Thomas, Pat
Barron	Gorman	Peterson	Tobiassen
Castor	Graham	Plante	Trask
Chamberlin	Hair	Poston	Vogt
Childers, Don	Henderson	Renick	Ware
Childers, W. D.	Holloway	Scarborough	Williamson
Dunn	Johnston	Scott	Wilson
Firestone	Lewis	Skinner	Winn
Gallen	MacKay	Spicola	Zinkil
Glisson	McClain	Thomas, Jon	

Excused: Senator Scarborough at 11:00 a.m.; Senator Saylor

Prayer by Reverend Gene Zimmerman, Pastor, Trinity United Methodist Church, Tallahassee:

Lord of the universe, God and Father of us all, we thank you for the gift of life, not only our own, but for all of those about us; family and friends, neighbors and acquaintances, and the host of people we do not know who make up our human community.

As the world grows smaller and we are drawn closer, teach us to better live together and how to care for one another more effectively.

We are grateful for our representative form of government and we pray for these and all others who represent us. Give them wisdom and insight that they may decide and act in behalf of the greatest good for the greatest number, but never, O God, at the expense of the right.

We sometimes see perfection but seldom approach it. Remind us now that you are a forgiving God who will help us when we fail and forgive us when we transgress, and redeem what we have sometimes lost.

Bless this day. May we be glad we have been part of it, and when it is over, grant that we shall have made it better because we are a part of it. Amen.

#### REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills be placed on Special Order for Friday, April 22, 1977:

SCR 937	CS for SB 25	SB 377	SB 427
SB 403	SB 63	SB 209	CS for SB 117
SB 656	SB 55	SB 254	SB 297
SB 553	SB 18	SB 589	SB 71
CS for SB 317	SB 453	SB 243	
CS for SB 318	SB 546	SB 309	
CS for SB 24	SB 495	SB 414	

Respectfully submitted,  
Tom Gallen  
Chairman

The Committee on Corrections, Probation and Parole recommends the following pass: CS for SB 118 (by the Committee on Judiciary-Criminal)

The Committee on Governmental Operations recommends the following pass:

SB 426	SB 690
SB 570	SB 694 with 8 amendments
SB 674	

CS for SB 122 (by the Committee on Commerce) with 1 amendment.

The Committee on Judiciary-Civil recommends the following pass: SB 315 with 1 amendment

The Committee on Natural Resources and Conservation recommends the following pass: SB 681, SB 695 with 1 amendment

The Committee on Judiciary-Criminal recommends the following pass:

SB 401 with 1 amendment SB 364

The Committee on Transportation recommends the following pass: SB 782

The bills contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass:

SB 395 with 3 amendments SB 499 SB 580

The Committee on Governmental Operations recommends the following pass: SB 436 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Commerce under the original reference.

The Committee on Commerce recommends the following pass: SB 763

The Committee on Governmental Operations recommends the following pass: SB 405 with 1 amendment

The Committee on Health and Rehabilitative Services recommends the following pass: SB 81 with 2 amendments

The Committee on Judiciary-Criminal recommends the following pass: SB 146

The bills contained in the foregoing reports were referred to the Committee on Economic, Community and Consumer Affairs under the original reference.

The Committee on Governmental Operations recommends the following pass: SB 747

The bill was referred to the Committee on Education under the original reference.

The Committee on Judiciary-Criminal recommends the following pass: SB 865 with 1 amendment

The Committee on Education recommends the following pass: SB 751

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 634

The Committee on Natural Resources and Conservation recommends the following pass: HB 133

The bills contained in the foregoing reports were referred to the Committee on Governmental Operations under the original reference.

The Committee on Governmental Operations recommends the following pass: SB 789 with 2 amendments

The bill was referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Commerce recommends the following pass: SB 236

The Committee on Natural Resources and Conservation recommends the following pass: SB 770

The Committee on Transportation recommends the following pass: SJR 197, HCR 163

The bills contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Commerce recommends the following pass:

SB 552	CS for SB 501 (by the
SB 778 with 2 amendments	Committee on Health and
	Rehabilitative Services)

The Committee on Economic, Community and Consumer Affairs recommends the following pass:

SB 418	CS for SB 341 (By the
SB 502 with 1 amendment	Committee on Commerce)
SB 358 with 2 amendments	CS for SB 321 (By the
SB 408	Committee on Commerce)

The Committee on Finance, Taxation and Claims recommends the following pass:

SB 112	SB 366
SB 261	SB 479 with 3
SB 365	amendments

The Committee on Governmental Operations recommends the following pass:

SB 295	SB 643 with 1 amendment
SB 428 with 1 amendment	SB 655
SB 443	SB 776
SB 527 with 2 amendments	SB 799
SB 587 with 1 amendment	SB 804
SB 608	HB 964

The Committee on Judiciary-Civil recommends the following pass:

SB 576	SB 765	HB 112 with 2
SB 686	HB 37	amendments
SB 687	HB 93	HB 121

The Committee on Judiciary-Criminal recommends the following pass:

SB 521 with 2 amendments	SB 625
SB 333 with 2 amendments	SB 596 with 1 amendment
SB 522 with 2 amendments	

The Committee on Judiciary-Criminal recommends the following pass:

SB 133 with 2 amendments	SB 746
SB 457 with 1 amendment	

The Committee on Transportation recommends the following pass:

SB 41	SB 578	SB 540 with 2 amendments
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The bills contained in the foregoing reports were placed on the calendar.

The Committee on Economic, Community and Consumer Affairs recommends a Committee Substitute for the following: SB 223

The bill with Committee Substitute attached was referred to the Committee on Governmental Operations under the original reference.

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 396

The bill with Committee Substitute attached was referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Commerce recommends a Committee Substitute for the following: SB 749

The bill with Committee Substitute attached was referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Commerce recommends a Committee Substitute for the following: SB 200

The bill with Committee Substitute attached was referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 300

The bill with Committee Substitute attached was placed on the calendar.

The Committee on Commerce recommends the following not pass: SB 373

The bill was laid on the table.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Gallen, by two-thirds vote SCR 937 was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed on the Special Order Calendar.

On motion by Senator Pat Thomas, the rules were waived and by two-thirds vote HB 967 was withdrawn from the Committee on Corrections, Probation and Parole and placed on the calendar.

On motion by Senator Lewis, the rules were waived and by two-thirds vote SB 544 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Vogt, the rules were waived and by two-thirds vote SB 146 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motions by Senator Jon Thomas, the rules were waived and by two-thirds vote House Bills 961 and 1494 were withdrawn from the Committee on Health and Rehabilitative Services and placed on the calendar.

On motion by Senator McClain, the rules were waived and by two-thirds vote SB 460 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote SB 653 was withdrawn from the Committee on Commerce.

On motion by Senator Myers, the rules were waived and by two-thirds vote SB 535 was withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Myers, the rules were waived and by two-thirds vote Senate Bills 88 and 244 were withdrawn from the Committee on Transportation.

On motion by Senator Peterson, the rules were waived and Subcommittees of the Committee on Appropriations were granted permission to extend time of adjournment until 9:00 p.m. April 25 and 26.

The Committee on Education requests an extension of 15 days for the consideration of the following:

SB 631 by Senator Peterson	SB 679 by Senator Glisson
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#### REQUESTS FOR EXTENSION OF TIME

The Committee on Economic, Community and Consumer Affairs requests an extension of 15 days for the consideration of the following:

SB 649 by Senator Castor	HB 962 by Rules and
SB 665 by Senator Hair	Calendar Com-
SB 677 by Senator Peterson	mittee
SB 651 by Senator Renick	HB 1099 by Community Af-
SB 688 by Senator Dunn	airs Committee
SB 731 by Senator Hender-	SB 737 by Senator Firestone
son	SB 745 by Senator Holloway
	SB 750 by Senator MacKay

The Committee on Finance, Taxation and Claims requests an extension of 15 days for the consideration of the following:

SB 221 by Senator Ware	SB 684 by Senator Don
SB 512 by Economic, Com-	Childers
munity and Con-	SB 748 by Senator MacKay
sumer Affairs	HB 109 by Representative
SB 590 by Senator Ware	Easley, et al
SB 650 by Senator Peter-	HB 1046 by House Finance
son, et al	and Taxation
SB 654 by Economic, Com-	Committee
munity and Con-	HB 1048 by House Finance
sumer Affairs	and Taxation
SB 668 by Senator Trask	Committee

The Committee on Governmental Operations requests an extension of 15 days for the consideration of the following:

SB 575 by Committee on Natural Resources and Conservation and Senator Spicola
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The Committee on Personnel, Retirement and Collective Bargaining requests an extension of 15 days for the consideration of the following:

SB 680 by Senator Pat	SB 756 by Senator Skinner
Thomas	CS for HB 42 by The Com-
SB 702 by Senator Peterson	mittee on Com-
SB 716 by Senator McClain	munity Affairs
SB 736 by Senator Dunn,	and Representative
et al	McPherson

The Committee on Judiciary-Criminal requests an extension of 15 days for the consideration of the following:

SB 646 by Senator Castor
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# MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed in the office of the Secretary of State SB 277 which he had approved April 20.

## Appointments Subject to Confirmation by the Senate

The Secretary of State on April 18, 1977 certified that pursuant to the provisions of Section 112.071(1)(b), Florida Statutes, a commission subject to confirmation by the Senate had been prepared for the following:

Patricia B. Odiorne, Brandon; Member, Alafia River Basin Board of the Southwest Florida Water Management District, for term ending June 30, 1978

—which was referred to the Committee on Executive Business.

The Secretary of State on April 19, 1977 certified that pursuant to the provisions of Section 112.071(1)(b), Florida Statutes, a commission subject to confirmation by the Senate had been prepared for the following:

Florence G. Rabon, Key West; Member, Historic Key West Preservation Board of Trustees, for term ending November 29, 1980

—which was referred to the Committee on Executive Business.

# MESSAGE FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments and passed as amended HB 790.

*Allen Morris, Clerk*

## MATTER ON RECONSIDERATION

The motion by Senator MacKay on April 20, that the Senate reconsider the vote by which SB 115 passed on April 18, was taken up and adopted.

Pending further consideration of SB 115, on motion by Senator MacKay, by two-thirds vote HB 217 was withdrawn from the Committee on Commerce and placed on the calendar. On motion by Senator MacKay—

HB 217—A bill to be entitled An act relating to insurance; amending s. 628.401(1), Florida Statutes, authorizing a domestic stock or mutual insurer to pay interest not to exceed 10 percent simple interest per annum upon money borrowed for certain business purposes; providing an effective date.

—a companion measure, was substituted for SB 115 and read the second time by title. On motion by Senator MacKay, by two-thirds vote HB 217 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gordon	Myers	Trask
Barron	Gorman	Peterson	Vogt
Castor	Graham	Poston	Ware
Chamberlin	Hair	Scarborough	Williamson
Childers, Don	Henderson	Scott	Wilson
Childers, W. D.	Holloway	Skinner	Winn
Dunn	Johnston	Spicola	Zinkil
Firestone	Lewis	Thomas, Jon	
Gallen	MacKay	Thomas, Pat	
Glisson	McClain	Tobiassen	

Nays—None

Votes after roll call:

Yeas—Plante and Renick

SB 115 was laid on the table.

## SPECIAL ORDER

SCR 937—A concurrent resolution commending Vick Blackstone.

—was read the second time in full. On motion by Senator Gallen SCR 937 was adopted and certified to the House. The vote on adoption was:

Yeas—34

Mr. President	Gorman	Myers	Thomas, Jon
Barron	Graham	Peterson	Thomas, Pat
Castor	Hair	Plante	Tobiassen
Chamberlin	Henderson	Poston	Ware
Childers, Don	Holloway	Renick	Williamson
Childers, W. D.	Johnston	Scarborough	Wilson
Firestone	Lewis	Scott	Winn
Gallen	MacKay	Skinner	
Gordon	McClain	Spicola	

Nays—None

Senators Barron, Brantley, Castor, Chamberlin, Don Childers, W. D. Childers, Dunn, Firestone, Glisson, Gordon, Gorman, Graham, Hair, Henderson, Holloway, Johnston, Lewis, MacKay, McClain, Myers, Peterson, Plante, Poston, Renick, Sayler, Scarborough, Scott, Skinner, Spicola, Jon Thomas, Pat Thomas, Tobiassen, Trask, Vogt, Ware, Williamson, Wilson and Winn were recorded as co-introducers of SCR 937.

Senator Barron escorted Mr. Blackstone to the rostrum. The President presented a plaque to Mr. Blackstone commending him for his contribution to the "American Cowboys". Senator Gallen introduced Mrs. Blackstone to the Senate.

On motion by Senator Spicola, the rules were waived by unanimous consent and the Senate reverted to Introduction for the purpose of introducing the following resolution out of order:

## INTRODUCTION

By Senators Spicola, Brantley, Barron, Castor, Chamberlin, Don Childers, W. D. Childers, Dunn, Firestone, Gallen, Glisson, Gordon, Gorman, Graham, Hair, Henderson, Holloway, Johnston, Lewis, MacKay, McClain, Myers, Peterson, Plante, Poston, Renick, Sayler, Scarborough, Scott, Skinner, Jon Thomas, Pat Thomas, Tobiassen, Trask, Vogt, Ware, Williamson, Wilson and Winn—

SR 1049—A Senate resolution recognizing Al Lopez of Tampa, a former major league baseball player and manager, for his outstanding contributions to the world of sports and to his community.

—which was read the first time in full and referred to the Committee on Rules and Calendar.

On motion by Senator Spicola, by two-thirds vote SR 1049 was withdrawn from the Committee on Rules and Calendar and placed on the calendar. On motions by Senator Spicola by unanimous consent, SR 1049 was taken up out of order and by two-thirds vote read the second time by title and adopted. The vote on adoption was:

Yeas—31

Mr. President	Gordon	McClain	Thomas, Jon
Barron	Gorman	Myers	Thomas, Pat
Castor	Graham	Poston	Vogt
Chamberlin	Hair	Renick	Ware
Childers, W. D.	Henderson	Scarborough	Williamson
Dunn	Holloway	Scott	Wilson
Firestone	Lewis	Skinner	Winn
Glisson	MacKay	Spicola	

Nays—None

Votes after roll call:

Yeas—Don Childers and Tobiassen

## SPECIAL ORDER, Continued

By the Committee on Economic, Community Affairs and Senator Pat Thomas—

CS for SB 403—A bill to be entitled An act relating to local ordinances; prohibiting the enactment of an ordinance or rule imposing price controls upon a business activity which is not franchised by or under contract with the governmental agency; providing an effective date.

—was read the first time by title and SB 403 was laid on the table.

On motion by Senator Pat Thomas, by two-thirds vote CS for SB 403 was read the second time by title.

Senator Firestone moved the following amendment:

**Amendment 1**—On page 1, strike lines 11-16 and insert: Section 1. No county, municipality or other entity of local government shall adopt or maintain in effect an ordinance or a rule which has the effect of imposing controls on residential rents unless the local governing body recites in the ordinance or rule its findings of fact which constitute a valid and constitutional showing of the existence of a grave housing emergency, by local referendum and 3/5 vote of local governing body.

On motion by Senator Plante, further consideration of CS for SB 403 with pending amendment was deferred.

**SB 656**—A bill to be entitled An act relating to banking; amending ss. 658.10 and 119.07(2)(b), Florida Statutes; providing that certain records of the Department of Banking and Finance relating to banks or trust companies be open to the public; adding provisions relating to personal financial information, stockholder lists, call reports, and day-to-day transactions; authorizing the department to adopt and promulgate rules; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendments which were moved by Senator W. D. Childers and adopted:

**Amendment 1**—On page 5, line 31, strike "Any person who," and on page 6, strike all of lines 1-8

**Amendment 2**—On page 7, between lines 2 and 3, insert the following and renumber subsequent section: Section 3. Section 659.25, Florida Statutes, is amended to read: 659.25 Rights of minority stockholders.—No bank or trust company and no director, officer or employee thereof, shall permit any stockholder other than a qualified director, officer or employee thereof to have access to or to examine or inspect any of the books or records of such bank or trust company other than its general statement book showing its general assets and liabilities and list of shareholders as provided in s. 658.10(5).

**Amendment 3**—On page 1 in title, line 2, insert after "658.10": , 659.25

**Amendment 4**—On page 1, line 25, strike the word "that"

Senator MacKay moved the following amendment:

**Amendment 5**—On page 5, line 24, after the word "shareholders" insert: and creditors

Amendment 5 failed by the following vote:

#### Yeas—15

Castor	Gorman	MacKay	Thomas, Pat
Chamberlin	Graham	McClain	Tobiassen
Childers, W. D.	Hair	Renick	Wilson
Glisson	Holloway	Spicola	

#### Nays—21

Mr. President	Johnston	Scarborough	Williamson
Barron	Lewis	Scott	Winn
Childers, Don	Myers	Skinner	Zinkil
Dunn	Peterson	Thomas, Jon	
Gordon	Plante	Trask	
Henderson	Poston	Ware	

Vote after roll call:

Yea to Nay—Renick

Senator Gordon moved the following amendment which failed:

**Amendment 6**—On page 6, line 24, insert: (10) All meetings and discussions of the Comptroller with applicants for charters or stockholders of chartered institutions shall be recorded in a daily diary kept by him and shall be part of the public records of the office.

On motion by Senator W. D. Childers, by two-thirds vote SB 656 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

#### Yeas—34

Mr. President	Hair	Plante	Tobiassen
Castor	Henderson	Poston	Trask
Chamberlin	Holloway	Renick	Ware
Childers, W. D.	Johnston	Scarborough	Williamson
Dunn	Lewis	Scott	Wilson
Gallen	MacKay	Skinner	Winn
Glisson	McClain	Spicola	Zinkil
Gorman	Myers	Thomas, Jon	
Graham	Peterson	Thomas, Pat	

#### Nays—3

Barron	Childers, Don	Gordon
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Votes after roll call:

Yeas—Firestone and Vogt

**SB 553**—A bill to be entitled An act relating to the Administrative Procedures Committee; adding paragraph (i) to s. 11.60(2), Florida Statutes, to grant standing to the committee to seek judicial review of the validity or invalidity of certain administrative rules and to authorize the expenditure of public funds therefor; providing an effective date.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote SB 553 was read the third time by title, passed and certified to the House. The vote on passage was:

#### Yeas—34

Mr. President	Glisson	Myers	Thomas, Pat
Barron	Gordon	Plante	Tobiassen
Castor	Gorman	Poston	Ware
Chamberlin	Hair	Renick	Williamson
Childers, Don	Henderson	Scarborough	Wilson
Childers, W. D.	Holloway	Scott	Winn
Dunn	Johnston	Skinner	Zinkil
Firestone	Lewis	Spicola	
Gallen	McClain	Thomas, Jon	

#### Nays—2

Graham	MacKay
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Votes after roll call:

Yeas—Peterson and Vogt

**CS for SB 317**—A bill to be entitled An act relating to transportation; amending s. 129.01(1), Florida Statutes; renaming county road and bridge fund; amending s. 129.011(1), Florida Statutes; providing for a separate county transportation trust fund in the county budget; amending s. 206.47(7), Florida Statutes; authorizing the Department of Transportation to maintain all proceeds of the 80 percent surplus of the second gas tax on deposit with the State Board of Administration; amending s. 206.60(2)(b), (c), Florida Statutes; deleting certain provisions relating to maintenance of secondary roads by the Department of Transportation and distribution of certain secondary federal funds; adding s. 334.03(18)-(30), Florida Statutes; defining certain terms for purposes of the Transportation Code; amending s. 335.01, Florida Statutes, providing for designations and systemization of public roads; amending s. 335.04, Florida Statutes; providing for a functional classification plan for roads; requiring transfer of responsibility for maintenance of certain public roads; authorizing the matching of certain federal aid highway funds; providing certain responsibilities for the Department of Transportation relating to reevaluation of the functional classification of public roads; providing for operation and maintenance of public roads; adding s. 335.075(4),



Florida Statutes; providing for the certification of the compliance with design, construction, and maintenance standards; prescribing uses of the surplus from the second gas tax distributed to the counties; amending s. 336.01, Florida Statutes; defining county road system; amending s. 336.41, Florida Statutes; limiting the use of existing county forces in the construction of public roads; amending s. 336.44(1), Florida Statutes; requiring boards of county commissioners to let contracts for certain work on public roads; amending s. 339.08(2)(b), (c), (3), (4), Florida Statutes, and adding subsection (5) to said section; providing for the use of certain gas tax revenues by the Department of Transportation; providing for transfer of administrative responsibility; providing for advance of certain gas tax revenues; creating s. 339.083, Florida Statutes; providing for county transportation trust funds; providing for controls and administrative remedies; providing for annual reports by local governments to the department; requiring department to report to Legislature; repealing s. 334.03(1), (8), (12), and (13), Florida Statutes, the definitions of the terms "arterial highways," "primary road system," "secondary road system," and "state highway system"; repealing s. 335.041, Florida Statutes, relating to designation of roads for the expenditure of secondary road funds; repealing s. 339.031, Florida Statutes, relating to highway secondary trust funds; providing an effective date.

—was taken up with pending Amendment 7 which was withdrawn by Senator Trask.

Senators MacKay and Pat Thomas offered the following amendment which was moved by Senator MacKay and failed:

Amendment 8—On page 20, between lines 17 and 18, insert: Section 16. Provided, however, no county shall be required to exceed constitutional limitations on its tax millage rate or to increase such rate in excess of 2 mills as a result of the reclassification provided in this act. If such reclassification causes more funds to be required than could be raised by a 10-mill levy, or than would be provided by an increase in the millage rate by 2 mills, the reclassification shall be delayed until it can be accomplished within the above limitations.

#### [Renumber Subsequent Sections]

On motion by Senator Myers, by two-thirds vote CS for SB 317 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

#### Yeas—30

Mr. President	Gordon	McClain	Spicola
Barron	Gorman	Myers	Thomas, Jon
Castor	Graham	Peterson	Trask
Chamberlin	Hair	Plante	Ware
Childers, Don	Henderson	Poston	Winn
Dunn	Holloway	Renick	Zinkil
Firestone	Johnston	Scarborough	
Gallen	Lewis	Scott	

#### Nays—5

Glisson	Skinner	Thomas, Pat	Wilson
MacKay			

#### Votes after roll call:

Yeas—W. D. Childers, Tobiassen, Vogt and Williamson  
Yea to Nay—Gallen

CS for SB 318—A bill to be entitled An act relating to the Florida Public Service Commission; creating s. 350.001, Florida Statutes; providing legislative intent; amending s. 350.01, Florida Statutes; providing for appointment of Public Service Commissioners increasing the number of commissioners to five; providing for the filling of vacancies; providing for the retention of commissioners serving current terms until completion of their terms; providing 4-year terms for commissioners and providing for 6-year terms if authorized by a constitutional amendment; providing for filing of a declaration of intention to seek an additional term of office; providing for selection of a commission chairman and his terms and duties; providing procedures to expedite and assign commission proceedings; creating s. 350.031, Florida Statutes; establishing the Florida Public Service Commission Nominating Council; providing for

member appointments and filling of vacancies; providing for restriction of membership of persons having certain interests; providing for council duties and responsibilities; requiring meetings of the council to be open and subject to the Sunshine Law; providing for reimbursement of expenses to council members; repealing s. 350.03, Florida Statutes, relating to the power of the Governor to remove, suspend, or appoint commissioners and to fill vacancies; imposing restrictions on commissioners and employees of the commission after termination of employment; providing an effective date.

—was taken up with pending Amendment 5 which was adopted:

Amendment 5—In title, strike everything after "Commission;" on page 1, line 3 through page 3, line 3 and insert: amending s. 350.01, Florida Statutes; increasing the number of commissioners; providing for election of commissioners from districts; providing for filling of vacancies; providing that expenses attributable to this act be paid from the Florida Public Service Regulatory Trust Fund; providing an effective date.

Senator Spicola moved the following amendment:

Amendment 6—On pages 3, 4 and 5 strike all of subsections (1), (2), (3) and (4) and insert: (1) The Florida Public Service Commission shall consist of five commissioners. The Governor and Cabinet shall fill each vacancy on the commission by appointing, by majority vote, a person from a list of people nominated by the Florida Public Service Commission Nominating Council, and each appointment shall be subject to confirmation by the Senate. Each person appointed to fill a vacancy on the commission shall serve for the remainder of the term of office.

(2)(a) The term of office of each commissioner shall be 4 years.

(b) Any commissioner of the Florida Public Service Commission may qualify for retention by a vote of the electors of this state in the general election next preceding the expiration of his term. When a commissioner of the Florida Public Service Commission so qualifies, the ballot shall read substantially as follows: "Shall commissioner (name of commissioner) of the Florida Public Service Commission be retained in office?" If a majority of the voting electors vote to retain, the commissioner shall be retained for a term of 4 years commencing on the first Tuesday after the first Monday in January following the general election. If a commissioner is ineligible or fails to qualify or if a majority of the voting electors vote to not retain, a vacancy shall exist in that office upon the expiration of the term being served by the commissioner.

(3) In the event the electorate approves an amendment to the State Constitution at the general election in November 1978, authorizing commissioners to serve terms in excess of 4 years, the provisions of subsection (2) shall be superseded by the provisions of subsections (4) and (5).

(4)(a) The terms of office of each commissioner shall be 6 years.

(b) Any commissioner of the Florida Public Service Commission may qualify for retention by a vote of the electors of this state in the general election next preceding the expiration of his term. When a commissioner of the Florida Public Service Commission so qualifies, the ballot shall read substantially as follows: "Shall commissioner (name of commissioner) of the Florida Public Service Commission be retained in office?" If a majority of the voting electors vote to retain, the commissioner shall be retained for a term of 6 years commencing on the first Tuesday after the first Monday in January following the general election. If a commissioner is ineligible or fails to qualify or if a majority of the voting electors vote to not retain, a vacancy shall exist in that office upon the expiration of the term being served by the commissioner.

(5) The term of each commissioner whose term began in January of 1978 or in January of 1979 shall be extended 2 years.

(and renumber the following subsections)



Senator W. D. Childers moved that further consideration of CS for SB 318 with pending amendment be temporarily deferred. The motion was adopted by the following vote:

## Yeas—21

Mr. President	Gorman	Scarborough	Trask
Barron	Hair	Scott	Vogt
Castor	Henderson	Spicola	Zinkil
Childers, W. D.	McClain	Thomas, Jon	
Gallen	Plante	Thomas, Pat	
Glisson	Poston	Tobiassen	

## Nays—13

Chamberlin	Gordon	MacKay	Wilson
Childers, Don	Holloway	Renick	
Dunn	Johnston	Skinner	
Firestone	Lewis	Ware	

Vote after roll call:

Yea—Williamson

**CS for SB 24**—A bill to be entitled An act relating to mechanics' liens; amending ss. 713.01(3), (7), (10), (12), (19), 713.02(6), 713.03(3), 713.05, 713.06(1), (2)(a), (3)(c), (d), (h), 713.08(1)(h), (2), (4)(c), 713.13(1)(f) and (g), and adding a new paragraph to said subsection, 713.14, 713.16(2), 713.22(1), 713.23, 713.29, 713.32, Florida Statutes; changing definitions; providing procedures for acquiring liens; designating who qualifies as a lienor; providing notice requirements for perfecting liens; providing forms for payment of bonds and notices of such bonds; requiring notice to interested persons; extending the effectiveness of a lien by recording a notice of lis pendens; changing the determination of attorney's fees in legal proceedings and on appeal; changing requirements of a notice of commencement; requiring copies of contracts and statements of account upon demand; providing liabilities and penalties; repealing s. 627.756(1), Florida Statutes, relating to performance and payment bonds; repealing s. 713.02(7), (8), Florida Statutes, relating to types of lienors; providing an effective date.

—was taken up with pending Amendment 15 which was withdrawn by Senator Dunn.

Senator Zinkil moved the following title amendment which was adopted:

**Amendment 16**—On page 1, line 3, between (10), (12), insert: "(11)",

Senator McClain moved the following amendment which failed:

**Amendment 17**—On page 1, line 29, strike all after the enacting clause

On motion by Senator Zinkil, by two-thirds vote CS for SB 24 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

## Yeas—29

Castor	Henderson	Renick	Trask
Chamberlin	Holloway	Scarborough	Ware
Childers, Don	Johnston	Scott	Williamson
Childers, W. D.	Lewis	Skinner	Winn
Gallen	McClain	Spicola	Zinkil
Gordon	Myers	Thomas, Jon	
Graham	Peterson	Thomas, Pat	
Hair	Poston	Tobiassen	

## Nays—4

Dunn	Glisson	Gorman	MacKay
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Vote after roll call:

Yea—Vogt

By the Committee on Judiciary-Civil and Senator Zinkil—

**CS for SB 25**—A bill to be entitled An act relating to public construction; amending s. 255.05, Florida Statutes; providing the conditions of payment and performance bonds; providing for notices to be given to the contractor and surety by the lienors not in privity with the contractor; prescribing a permissible form of bond; providing an effective date.

—was read the first time by title and SB 25 was laid on the table.

On motions by Senator Zinkil, by two-thirds vote CS for SB 25 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—33

Mr. President	Gordon	Myers	Tobiassen
Castor	Gorman	Peterson	Trask
Chamberlin	Graham	Poston	Ware
Childers, Don	Hair	Renick	Williamson
Childers, W. D.	Henderson	Scarborough	Winn
Dunn	Holloway	Scott	Zinkil
Firestone	Johnston	Skinner	
Gallen	Lewis	Spicola	
Glisson	McClain	Thomas, Jon	

## Nays—2

MacKay	Thomas, Pat
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Votes after roll call:

Yea—Vogt

Yea to Nay—Dunn

**SB 63**—A bill to be entitled An act relating to the Suwannee River Water Management District; amending s. 373.073(1)(b), Florida Statutes, 1976 Supplement; providing that one member of the governing board of the district be from the Aucilla River Basin hydrologic unit; providing an effective date.

—was read the second time by title. On motion by Senator Spicola, by two-thirds vote SB 63 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—36

Mr. President	Gordon	Myers	Thomas, Jon
Castor	Graham	Peterson	Thomas, Pat
Chamberlin	Hair	Plante	Tobiassen
Childers, Don	Henderson	Poston	Trask
Childers, W. D.	Holloway	Renick	Ware
Dunn	Johnston	Scarborough	Williamson
Firestone	Lewis	Scott	Wilson
Gallen	MacKay	Skinner	Winn
Glisson	McClain	Spicola	Zinkil

## Nays—None

Votes after roll call:

Yeas—Gorman and Vogt

**SB 55**—A bill to be entitled An act relating to the jurisdiction of county courts; amending s. 34.01(1), Florida Statutes; providing that attorney's fees shall be excluded in determining whether the matter in controversy is within the specified jurisdictional amount; providing an effective date.

—was read the second time by title. On motion by Senator Spicola, by two-thirds vote SB 55 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—37

Mr. President	Dunn	Gorman	Johnston
Castor	Firestone	Graham	Lewis
Chamberlin	Gallen	Hair	MacKay
Childers, Don	Glisson	Henderson	McClain
Childers, W. D.	Gordon	Holloway	Myers

Peterson	Scott	Tobiassen	Winn
Plante	Skinner	Trask	Zinkil
Poston	Spicola	Ware	
Renick	Thomas, Jon	Williamson	
Scarborough	Thomas, Pat	Wilson	

Nays—None

Vote after roll call:

Yea—Vogt

SB 18—A bill to be entitled An act relating to sheriffs' fees for service of summons, subpoenas, and executions; amending s. 30.231(1), Florida Statutes; providing for an increase in fees; providing an effective date.

—was read the second time by title. On motion by Senator Dunn, by two-thirds vote SB 18 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Gordon	MacKay	Skinner
Castor	Gorman	McClain	Spicola
Chamberlin	Graham	Myers	Thomas, Jon
Childers, W. D.	Hair	Peterson	Thomas, Pat
Dunn	Henderson	Plante	Tobiassen
Firestone	Holloway	Poston	Trask
Gallen	Johnston	Renick	Winn
Glisson	Lewis	Scarborough	Zinkil

Nays—5

Childers, Don	Ware	Williamson	Wilson
Scott			

Vote after roll call:

Yea—Vogt

SB 453—A bill to be entitled An act relating to energy resources; creating s. 377.702, Florida Statutes, providing a state energy policy; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote SB 453 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Graham	Plante	Tobiassen
Castor	Hair	Poston	Trask
Chamberlin	Henderson	Renick	Ware
Childers, Don	Holloway	Scarborough	Williamson
Childers, W. D.	Johnston	Scott	Wilson
Dunn	Lewis	Skinner	Winn
Firestone	MacKay	Spicola	Zinkil
Gallen	McClain	Thomas, Jon	
Glisson	Peterson	Thomas, Pat	

Nays—1

Gorman

Votes after roll call:

Yeas—Myers, Vogt  
Nay to Yea—Gorman

SB 546—A bill to be entitled An act relating to the Parole and Probation Commission; creating s. 947.141, Florida Statutes; authorizing the commission to maintain case files; authorizing the commission to make rules relating to the privacy or privilege of the information contained in its files; providing an effective date.

—was read the second time by title.

The Committee on Corrections, Probation and Parole offered the following amendment which was moved by Senator Pat Thomas and failed:

Amendment 1—On page 1, strike all of lines 23 through 24 and insert: commission, its staff, and the Secretary and his designees of the Department of Offender Rehabilitation.

Senator Ware moved the following amendments which were adopted:

Amendment 2—On page 1, strike lines 20 through 24 and insert: (2) The information contained in such files shall be confidential except for use by the commission, its staff, and the secretary of the Department of Offender Rehabilitation and his designees in the performance of their official duties.

Amendment 3—On page 1, strike lines 5-8 and insert: maintain case files; providing that information in such files are confidential; providing for exceptions; providing an effective date.

On motion by Senator Pat Thomas, by two-thirds vote SB 546 as amended was read the third time by title, and failed to pass. The vote was:

Yeas—13

Mr. President	Glisson	Scott	Trask
Chamberlin	Gorman	Skinner	
Childers, W. D.	McClain	Thomas, Pat	
Firestone	Poston	Tobiassen	

Nays—18

Castor	Graham	MacKay	Ware
Childers, Don	Hair	Myers	Wilson
Dunn	Henderson	Peterson	Winn
Gallen	Johnston	Plante	
Gordon	Lewis	Spicola	

Votes after roll call:

Nays—Jon Thomas and Vogt

SB 495—A bill to be entitled An act relating to credit unions; amending s. 657.16, Florida Statutes; deleting the requirements for loans; providing that loans may be secured by a first or second mortgage on real property; providing an effective date.

—was read the second time by title.

Senator W. D. Childers moved the following amendments which were adopted:

Amendment 1—On page 1, line 31, insert after the word "office.": *The department shall have the authority to adopt rules pursuant to this section; such rules shall be designed to promote and preserve the liquidity and soundness of the credit union.*

Amendment 2—On page 2, line 1, strike "July 1, 1977" and insert: January 1, 1978

Amendment 3—On page 1, line 6, insert following the ";": providing authority to adopt rules;

On motion by Senator W. D. Childers, by two-thirds vote SB 495 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Mr. President	Gorman	McClain	Thomas, Pat
Castor	Graham	Peterson	Tobiassen
Chamberlin	Hair	Poston	Vogt
Childers, Don	Henderson	Renick	Williamson
Childers, W. D.	Holloway	Scarborough	Winn
Firestone	Johnston	Scott	Zinkil
Gallen	Lewis	Skinner	
Glisson	MacKay	Spicola	

Nays—4

Dunn	Gordon	Plante	Wilson
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SB 377—A bill to be entitled An act relating to the Real Estate License Law; amending s. 475.01(2), Florida Statutes; exempting employees of public utilities, railroads, and the Department of Transportation from the licensing requirements of chapter 475, Florida Statutes, for real estate brokers or salesmen when such employees purchase or lease any real property or any interest in real property within the scope of their employment for the use of such employers; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs offered the following amendment which was moved by Senator W. D. Childers and adopted:

**Amendment 1**—On page 3, line 8, after "employment" insert: , for which no compensation in addition to the employee's salary is paid,

On motion by Senator W. D. Childers, by two-thirds vote SB 377 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

## Yeas—32

Mr. President	Gorman	Peterson	Thomas, Jon
Castor	Graham	Plante	Thomas, Pat
Chamberlin	Hair	Poston	Tobiassen
Childers, W. D.	Henderson	Renick	Trask
Dunn	Holloway	Scarborough	Vogt
Firestone	MacKay	Scott	Ware
Glisson	McClain	Skinner	Williamson
Gordon	Myers	Spicola	Wilson

## Nays—3

Johnston      Lewis      Zinkil

Vote after roll call:

Nay—Don Childers

By the Committee on Commerce and Senators Firestone, Graham, Castor, Winn and Gordon—

CS for SB 209—A bill to be entitled An act relating to the Florida Banking Code; creating s. 659.67, Florida Statutes, allowing international banking corporations and international bank agencies, as defined in this act, to carry on an international banking business in Florida with certain restrictions; providing for the application of the Florida Banking Code; providing for application of certain provisions of chapter 607, Florida Statutes, (the Florida General Corporation Act); providing requirements, restrictions, and fees with respect to licenses to be issued by the Department of Banking and Finance; setting out how actions may be maintained against international banking corporations; providing for certain permissible activities; providing for the suspension or revocation of licenses; providing for the holding and valuation of certain securities; providing for financial certification of banks; requiring certain reports; providing for records; requiring notices of dissolution; prohibiting representative offices from conducting certain business and requiring registration; providing for regulation by the Department of Banking and Finance; adding s. 658.08 (3)(i), (5), Florida Statutes, 1976 Supplement; imposing a fee for license applications and renewals; providing an effective date.

—was read the first time by title and SB 209 was laid on the table.

On motion by Senator Firestone, by two-thirds vote CS for SB 209 was read the second time by title.

Senator Firestone moved the following amendment which was adopted:

**Amendment 1**—On page 5, line 9, strike "\$50,000,000" and insert: \$25,000,000

On motion by Senator Firestone, by two-thirds vote CS for SB 209 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

## Yeas—35

Mr. President	Gordon	Peterson	Thomas, Pat
Castor	Gorman	Plante	Tobiassen
Chamberlin	Graham	Poston	Vogt
Childers, Don	Hair	Renick	Ware
Childers, W. D.	Holloway	Scarborough	Williamson
Dunn	Johnston	Scott	Wilson
Firestone	Lewis	Skinner	Winn
Gallen	McClain	Spicola	Zinkil
Glisson	Myers	Thomas, Jon	

## Nays—None

By the Committee on Finance, Taxation and Claims and Senators Firestone, Castor, Graham, Gordon and Winn—

CS for SB 254—A bill to be entitled An act relating to excise tax on documents; creating s. 201.23, Florida Statutes; to provide an exemption from excise taxes under chapter 201, Florida Statutes, for promissory notes, nonnegotiable notes and other written obligations to pay money if the makers thereof or the obligors thereunder or the persons for whose benefit the financing is conducted are individuals residing outside the United States or business organizations or other persons located outside the United States; providing exceptions; providing an effective date.

—was read the first time by title and SB 254 was laid on the table.

On motions by Senator Firestone, by two-thirds vote CS for SB 254 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—36

Mr. President	Gorman	Myers	Thomas, Jon
Castor	Graham	Peterson	Thomas, Pat
Chamberlin	Hair	Plante	Tobiassen
Childers, Don	Henderson	Poston	Vogt
Childers, W. D.	Holloway	Renick	Ware
Firestone	Johnston	Scarborough	Williamson
Gallen	Lewis	Scott	Wilson
Glisson	MacKay	Skinner	Winn
Gordon	McClain	Spicola	Zinkil

## Nays—None

SB 589—A bill to be entitled An act relating to adoption of the state comprehensive plan; amending s. 23.013(1), Florida Statutes; requiring legislative approval of the plan; providing an effective date.

—was read the second time by title.

Senators Spicola, Plante and Peterson offered the following amendment which was moved by Senator Spicola and adopted:

**Amendment 1**—On page 1, line 10, strike everything after the enacting clause and insert: Section 1. Subsection (1) of section 23.013, Florida Statutes, is amended to read:

## 23.013 Adoption of state comprehensive plan.—

(1) The proposed state comprehensive plan or parts or revisions thereof shall be transmitted to the Governor for his consideration and action. The plan or parts or revisions thereof, when approved by the Governor, shall be transmitted to the secretary of the Senate and the clerk of the House of Representatives *no later than 90 days prior to the beginning of any legislative session* for presentation to the next regular session of the Legislature *for its approval by legislative act*. Copies shall also be transmitted to each state department, regional planning agency, county, municipality, and federal agency affected by or having an interest in the plan.

Section 2. *Any elements, parts, or other portions of the proposed state comprehensive plan submitted to the 1977 regular session of the Legislature shall not become effective as state policy until after the close of the 1978 regular session of the Legislature.*

Section 3. This act shall take effect upon becoming law.

Senators Spicola and Plante offered the following title amendment which was moved by Senator Spicola and adopted:

**Amendment 2**—On page 1, line 5, after the word "plan;" insert: providing that plans, or portions of plans submitted to the 1977 Legislature shall not become state policy until the close of the 1978 regular session of the Legislature;

On motion by Senator Plante, by two-thirds vote SB 589 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

#### Yeas—28

Mr. President	Glisson	Plante	Thomas, Pat
Castor	Gorman	Poston	Tobiassen
Chamberlin	Holloway	Renick	Trask
Childers, Don	Lewis	Scott	Vogt
Childers, W. D.	McClain	Skinner	Ware
Dunn	Myers	Spicola	Williamson
Firestone	Peterson	Thomas, Jon	Winn

#### Nays—7

Gordon	Henderson	MacKay	Zinkil
Graham	Johnston	Wilson	

Vote after roll call:

Yea—Hair

On motion by Senator Gordon the rules were waived and the Senate reverted to—

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Gordon, the rules were waived and by two-thirds vote HB 966 was withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Lewis, the rules were waived and by two-thirds vote Senate Bills 198 and 426 were withdrawn from the Committee on Appropriations.

On motion by Senator Vogt, by two-thirds vote HB 451 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Glisson, the rules were waived and by two-thirds vote SB 223 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Gordon, the rules were waived and by two-thirds vote SB 223 was withdrawn from the Committee on Finance, Taxation and Claims.

#### Special Order continued

**SB 243**—A bill to be entitled An act relating to junk dealers, scrap metal processors, persons dealing in secondhand goods, and foundries; amending s. 812.049(3), Florida Statutes; redefining "metals"; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator Holloway and adopted:

**Amendment 1**—On page 1, lines 14 and 15, strike "*wires, cables, bus bars, fittings, or equipment which is or can be used in interior wiring*" and insert: *copper wires, copper cables, copper bus bars, copper fittings, or copper equipment which is or can be used in interior wiring.*

On motion by Senator Holloway, by two-thirds vote SB 243 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

#### Yeas—32

Mr. President	Glisson	MacKay	Thomas, Jon
Castor	Gorman	McClain	Thomas, Pat
Chamberlin	Graham	Peterson	Tobiassen
Childers, Don	Hair	Plante	Trask
Childers, W. D.	Henderson	Poston	Vogt
Dunn	Holloway	Renick	Ware
Firestone	Johnston	Skinner	Williamson
Gallen	Lewis	Spicola	Zinkil

Nays—None

Vote after roll call:

Yea—Winn

**SB 309**—A bill to be entitled An act relating to tax deeds; amending s. 197.276, Florida Statutes; providing that a tax deed is subject to an easement for the purpose of ingress and egress to and from other land; providing that the easement must be recorded or evidenced by a road or other visible occupation; providing an effective date.

—was read the second time by title. On motion by Senator Scott by two-thirds vote SB 309 was read the third time by title, passed and certified to the House. The vote on passage was:

#### Yeas—36

Mr. President	Gordon	McClain	Thomas, Pat
Barron	Gorman	Peterson	Tobiassen
Castor	Graham	Plante	Trask
Chamberlin	Hair	Poston	Vogt
Childers, Don	Henderson	Renick	Ware
Childers, W. D.	Holloway	Scott	Williamson
Firestone	Johnston	Skinner	Wilson
Gallen	Lewis	Spicola	Winn
Glisson	MacKay	Thomas, Jon	Zinkil

Nays—None

Vote after roll call:

Yea—Dunn

On motion by Senator MacKay, the rules were waived by unanimous consent and the Senate reverted to Introduction for the purpose of introducing the following bill out of order:

#### INTRODUCTION

By Senators MacKay and Zinkil—

**SB 1082**—A bill to be entitled An act relating to workmen's compensation; amending s. 440.02(1)(a), (6), Florida Statutes, and adding subsection (20) to said section; defining designation of place of employment; amending s. 440.09(1), (3), Florida Statutes; defining compensation coverage; specifying what constitutes prima facie evidence of intoxication; providing for evidence of and presumption concerning intoxication; amending s. 440.11(1), Florida Statutes; extending employer's immunity from liability to employees; amending s. 440.13(3)(a), Florida Statutes; authorizing division to set fees for treatment and other services, including those provided by hospitals and other health care providers; amending s. 440.15, (3)(u), (5)(c), (10)(c), and adding s. 440.15(1)(f), (11), Florida Statutes; providing for reporting of earnings and income; changing the computation of compensation and eliminating the provision for diminution of wage earning capacity; providing a limitation for compensation in the case of a subsequent injury; providing for release of social security disability information; providing a penalty; providing reduction of compensation where unemployment compensation is received; amending s. 440.20(10), Florida Statutes; limiting reimbursement from special disability trust fund; amending ss. 440.25(1), (3)(b), (4), Florida Statutes; providing limitations on attorney's fees; limiting extent of award for disability; providing for record on appeal; providing for notice to appellant; providing payment of cost of record on appeal; amending s. 440.26, Florida Statutes, modifying presumption regarding intoxication; amending s. 440.29(1), Florida Statutes, providing verified petition for relief of costs of record on appeal; amending s. 440.34, Florida Statutes; providing maximum limits for attorney's fees; providing a penalty

for violations; amending s. 440.37, Florida Statutes; increasing penalty for misrepresentation; amending s. 440.39(3)(a), Florida Statutes; providing for reimbursement after judgment; amending s. 440.45(1), Florida Statutes; providing for appointment from nominations of judges of industrial claims; amending s. 440.49(2), Florida Statutes; providing for reduction of compensation where rehabilitation is refused; amending s. 440.50(1)(a), Florida Statutes; authorizing payment for records on appeal from Workmen's Compensation Administration Trust Fund, limiting expenditure of funds; providing severability; providing an effective date.

—which was read the first time by title and referred to the Committee on Commerce.

Senator Dunn moved that the rules be waived and by two-thirds vote CS for SB 19 be placed on the Special Order Calendar as a matter of first priority on Monday, April 25 and the motion was adopted.

Senator W. D. Childers moved that the Senate reconsider the vote by which the motion by Senator Dunn was adopted. The motion by Senator Childers was adopted by the following vote:

## Yeas—17

Barron	McClain	Thomas, Jon	Williamson
Childers, W. D.	Peterson	Thomas, Pat	Winn
Gallen	Poston	Tobiassen	
Glisson	Renick	Trask	
Gordon	Skinner	Ware	

## Nays—16

Castor	Gorman	Lewis	Spicola
Chamberlin	Graham	MacKay	Vogt
Childers, Don	Hair	Myers	Wilson
Dunn	Johnston	Plante	Zinkil

Senator Gallen raised a point of order that prior to the time Senator Dunn made the motion to place CS for SB 19 on the Special Order Calendar for April 25, the President had recognized Senator Gallen for the purpose of moving an amendment to CS for SB 403.

The Senate resumed consideration of—

CS for SB 403—A bill to be entitled An act relating to local ordinances; prohibiting the enactment of an ordinance or rule imposing price controls upon a business activity which is not franchised by or under contract with the governmental agency; providing an effective date.

—which was taken up with pending Amendment 1.

Senators Gallen and Pat Thomas offered the following substitute amendment which was moved by Senator Gallen:

**Amendment 2**—On page 1, line 16, strike the period and add: except in the case of residential rents of \$200 or less per month after the circuit court first finds that there is a constitutional showing of the existence of a grave housing emergency resulting from a catastrophic occurrence.

Senator Pat Thomas moved that the rules be waived and time of adjournment be extended until 12:10 p.m. or until final consideration of CS for SB 403 and the motion failed.

## CO-INTRODUCERS

Senator MacKay—Senate Bills 44, 790 and 774; Senator Firestone—Senate Bills 110, 688, 691, 699, 692, 706, 707, 708, 704, 705, 709 and 703; Senator Chamberlin—SB 220; Senator Castor—Senate Bills 273 and 683; Senator Wilson—Senate Bills 587, 694 and 405; Senator Tobiassen—SB 423; Senator Sayler—SB 478; Senator Gallen—SB 650; Senator Renick—SB 698; Senator Poston—SB 745; Senator Holloway—SB 759; Senator Glisson—SB 768; Senator Peterson—Senate Bills 589 and 869; Senator Trask—SB 782; Senator Graham—Senate Bills 131 and 143; Pat Thomas—SB 306

## CORRECTION AND APPROVAL OF JOURNAL

The Journals of April 20 and 21 were corrected and approved.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:00 noon to convene at 8:30 a.m., April 25, 1977 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 2:00 p.m.